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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,549	08/23/2001	Lin Cheng	TS01-285	9167

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,549

Applicant(s)

CHENG, LIN

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in (1) claims 1 and 6, of "cushioning units", (2) claims 2 and 7, of "reticle box", "a reticle" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, lines 44-45, "said two component support units" lacks antecedent basis, thus indefinite; it should be "said two component supports". Claim 2, line 1, "said component" should be "said component cart". Claims 3 and 8, the term "anti-ESD" fails to clearly define the metes and bounds of the claimed invention, thus indefinite; "ESD" should be spelled out. Claim 4, (1) line 2, "said component" lacks antecedent basis; it should be "said components", (2) lines 23-24, "said reticle cart" lacks antecedent basis. Claim 5, (1) since claim 4 already recited the

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Cartesian X, Y and Z coordinates, the recitation of the “upper portion comprising Cartesian X, Y and Z coordinates” in claim 5 renders the claim indefinite, (2) since claim 4 already recited “a front surface”, the recitation of a front surface in claim 5 renders the claim indefinite. Claim 7, line 1, the limitation “said component” is indefinite for failing to clearly define which component the term is referring to.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by “such as” and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, both claims 1 and 4 each recites the broad recitation “at least one row of component support units” which implies there is more than one support unit, and the claim also recites “said at least one row of component support units comprising at least one component support unit” which is the narrower statement of the range/limitation.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,873,585 to Engelking in view of Germany 4,330,434 to Nolke and Germany 3,917,874 to Seibert et al.

Engelking discloses a component transport cart comprising all the elements recited in the above listed claims including (1) a lower portion having wheels 112 attached to a lower surface, (2) an upper portion comprising a front surface, a back surface, left and right side surfaces, a top surface 108, and a bottom surface, (3) at least one row of component support units 102 being mounted in a place, (4) a set of sliding doors 110 mounted in a plane of the front surface, designated by the arrows such as shown in Fig 3, (5) shock absorbers 114 being mounted between the wheels and the bottom surface of the upper portion. The differences being that Engelking does not disclose (1) a platform having first and second surfaces, the wheels being

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attached to the first surface of the platform, (2) shock absorbers being mounted on the second surface of the platform, (3) adjacent rows of component support units being separated by a measurable distance, (4) cushioning units arranged over the surface of the component supports, and (5) the method steps recited in claims 4-8.

Nolke discloses a component transport cart comprising a lower portion having a platform 11, such as shown in Fig 1, having first and second surfaces, wheels 2 attached to the first surface of the platform 11, an upper portion 1 detachably placed on top of the platform in order to provide a component transport cart having separate upper portion and lower portion. Therefore, it would have been obvious to modify the structure of Engelking by providing a platform having first and second surfaces, with the wheels attached to the first surface, and the upper portion detachably placed on top of the platform in order to provide a component transport cart having separate upper and lower portions, as taught by Nolke, since both teach alternate conventional component transport cart structure, thereby providing structure as claimed.

In regard to the shock absorbers being mounted on the second surface of the platform, it is inherent that the shock absorbers 114 of Engelking, as modified by Nolke, would be mounted on the second surface of the platform.

Seibert et al discloses a component transport cart comprising a plurality of rows of components support units, with adjacent rows of component support units being separated by a measurable distance, such as shown in the figure, in order to increase the number of components supported therein. Therefore, it would have been obvious to modify the structure of Engelking, as modified, by providing comprising a plurality of rows of components support units, with adjacent rows of component support units being separated by a measurable distance, in order to

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increase the number of components supported therein, as taught by Seibert et al, since both teach alternate conventional component transport cart structure, thereby providing structure as claimed.

In regard to (4) cushioning units arranged over the surface of the component supports, it would have been obvious and well within the level of one skill in the art to provide cushioning units over the surface of the component supports in order to additional cushioning to the components during transporting.

In regard to (5) the method steps recited in claims 4-8, it would have been obvious that based on the structure of Engelking, as modified, one skill in the art would be able to perform the method steps recited in said method claims.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weiss, McCrandall et al, Teufel et al, Relyea et al, Gerding, Ott et al, O'Neil, Hasegawa, Fujisaki et al, and Laux et al all show structures similar to various elements of applicant's disclosure.

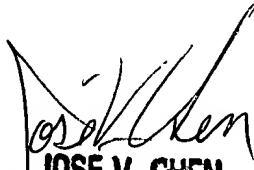
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HVT *HVT*  
November 4, 2002

  
**JOSE V. CHEN**  
**PRIMARY EXAMINER**